



their employer have been dismissed and the relevant tribunal has upheld the dismissal.

However, employers always have an obligation to provide “procedural fairness” in these circumstances. That requires the employer to give the employee adequate notice of the medical appointment that they require them to attend. The doctor who is conducting an assessment should also be provided with a thorough description of the duties that the worker is performing, to enable them to assess appropriately whether or not the worker’s disability, illness or injury will affect their ability to undertake those duties.

*“...employers always have an obligation to provide “procedural fairness” in these circumstances.”*

Furthermore, procedural fairness also requires that the employee be allowed the opportunity to secure their own medical opinion if they do not agree with the opinion provided by the employer’s doctor.

So although an employer does, in certain circumstances have the right to require an employee to attend a fitness for work assessment with a doctor of the employer’s choosing, the employee also has the right to secure their own medical opinion.

If you have an, injury or illness and your employer is suggesting that you may be unfit to perform your duties, you should seek legal advice from a lawyer experienced in employment law to ensure that your rights are protected.



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